

From: [Marroso, David](#)
To: [Robert C. Maysey](#)
Cc: [Jenkins, Brooke D.](#)
Subject: RE: UFC | Arum Deposition
Date: Thursday, July 20, 2017 3:45:44 PM

Rob,

It does not for the reasons stated. We decline to subject Mr. Arum to the risk of multiple depositions.

David

-----Original Message-----

From: Robert C. Maysey [<mailto:rmaysey@WarnerAngle.com>]
Sent: Thursday, July 20, 2017 3:43 PM
To: Marroso, David
Cc: Jenkins, Brooke D.
Subject: Re: UFC | Arum Deposition

David,

We have met and conferred and you have conditioned Mr. Arum's availability each time.

We suggest we stick with the August 21 deposition date and have the court decide the scope of production.

Does this work for you?

Regards,

Rob Maysey

Sent from my iPhone

> On Jul 20, 2017, at 6:39 PM, Marroso, David <dmarroso@omm.com> wrote:

>

> Rob,

>

> We have met and conferred numerous times. We have made several offers regarding documents. You've declined each one. We served objections long ago. You have not moved to compel. If you are not committing to taking Mr. Arum's deposition one time and one time only, we will need resolution of any outstanding document issues (to the extent you have not already waived) before the examination occurs. You have had months to get that done and have chosen to wait. That was your prerogative but, having done so, you cannot force two depositions on a non-party.

>

> Moreover, as I told you, I am in a jury trial in Seattle starting Monday and am unavailable for conferences/depositions until the conclusion, which I expect to be the first week of August.

>

> David

>

> -----Original Message-----

> From: Robert C. Maysey [<mailto:rmaysey@WarnerAngle.com>]

> Sent: Thursday, July 20, 2017 3:34 PM

> To: Marroso, David

> Cc: Jenkins, Brooke D.

> Subject: Re: UFC | Arum Deposition

>

> David,

>
> We accept your proposal of August 21st to proceed with Mr. Arum's deposition, but cannot accept your conditions as to the scope of the document production.
>
> I suggest we schedule a meet and confer to discuss the document production. I am available Friday after 1 pm pacific time and Monday after 2 pm pacific to discuss.
>
> Please advise as to your availability.
>
> Thank you.
>
> Regards,
>
> Rob Maysey
>
> Sent from my iPhone
>
>> On Jul 19, 2017, at 11:42 PM, Marroso, David <dmarroso@omm.com> wrote:
>>
>> Rob,
>>
>> Subject to the same terms as before (see below), we are available on August 21. Please let us know by July 24 if you want that date. Otherwise, we will need to release it for other business. (July is out. I am in federal jury trial in Seattle through the end of the month.)
>>
>> David
>>
>> -----Original Message-----
>> From: Robert C. Maysey [<mailto:rmaysey@WarnerAngle.com>]
>> Sent: Wednesday, July 19, 2017 10:46 AM
>> To: Marroso, David
>> Cc: Jenkins, Brooke D.
>> Subject: Re: UFC | Arum Deposition
>>
>> What dates are available and any in July?
>>
>> Sent from my iPhone
>>
>>> On Jul 19, 2017, at 1:21 PM, Marroso, David <dmarroso@omm.com> wrote:
>>>
>>> Rob,
>>>
>>> August 8 is no longer available.
>>>
>>> David
>>>
>>> -----Original Message-----
>>> From: Robert C. Maysey [<mailto:rmaysey@WarnerAngle.com>]
>>> Sent: Monday, July 17, 2017 12:40 PM
>>> To: Marroso, David
>>> Cc: Jenkins, Brooke D.
>>> Subject: Re: UFC | Arum Deposition
>>>
>>> David,
>>>
>>> Please advise if August 8 is still available for the Arum deposition. We will attempt to get consent to proceed on that date.
>>>
>>> Thank you.
>>>

>>> Rob Maysey

>>>

>>> Sent from my iPhone

>>>

>>> On Jul 12, 2017, at 7:33 AM, Marroso, David

<dmarroso@omm.com<<mailto:dmarroso@omm.com>>> wrote:

>>>

>>>

>>> Rob,

>>>

>>> We write to follow up on our prior correspondence and Monday's call.

>>>

>>>

>>>

>>> As I mentioned, I am not available in July for a deposition of Mr. Arum. I am lead counsel in a trial in Seattle federal court scheduled to begin July 24. I leave town July 18 and do not have availability this week. As of today, Mr. Arum and I are available for deposition in Los Angeles on August 8.

>>>

>>>

>>>

>>> However, as I mentioned on the phone, Mr. Arum is a non-party. He will not be subjected to multiple examinations. Top Rank served timely objections to the document request. Both before and after serving objections, Top Rank made various proposals regarding the documents you requested but, to date, you have not accepted any of them.

>>>

>>>

>>>

>>> To the extent you want to proceed on August 8, please let us know no later than close of business July 14. Otherwise, we will need to release it for other business.

>>>

>>> David Marroso

>>>

>>>

>>>

>>>

>>> O'Melveny

>>>

>>> David Marroso

>>> dmarrroso@omm.com<<mailto:dmarrroso@omm.com>>

>>> 310-246-8469

>>>

>>> O'Melveny & Myers LLP

>>> 1999 Ave. of the Stars, 8th Fl

>>> Los Angeles, CA 90067

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